

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	CASE NO.
CORPORATION FOR A GENERAL)	2011-00036
ADJUSTMENT IN RATES)	

O R D E R

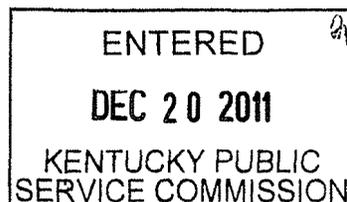
By Order entered November 17, 2011, the Commission approved an increase in electric rates for Big Rivers Electric Corporation ("Big Rivers"). On December 6, 2011, Big Rivers filed, pursuant to KRS 278.400, a petition requesting rehearing on four issues adjudicated in that Order, and on December 8, 2011, the Commission entered an Order granting Big Rivers petition for rehearing. Then, on December 14, 2011, Kentucky Industrial Customers, Inc. ("KIUC"), an intervenor in this case, filed a motion requesting that the Commission vacate its Order granting the rehearing and dismiss the Big Rivers' petition for rehearing.

The KIUC motion to vacate and dismiss states that prior to the filing by Big Rivers of its petition for rehearing at the Commission, KIUC had filed on December 1, 2011 an action against the Commission in the Franklin Circuit Court, pursuant to KRS 278.410(1), seeking a review of the November 17, 2011 Order. KIUC's motion includes a memorandum of law in support of its position that the Commission lost jurisdiction over the issues in its November 17, 2011 Order once KIUC filed its action in the Franklin Circuit Court.

Based on the motion and being otherwise sufficiently advised, the Commission finds that all parties to the case should have an opportunity to address the issue of jurisdiction as raised in KIUC's motion to dismiss. Consequently, we will establish a briefing schedule for all parties to file, individually or jointly, response memoranda, with an opportunity for KIUC to file a reply.

IT IS THEREFORE ORDERED that all parties except KIUC shall file, individually or jointly, no later than December 29, 2011, response memoranda of law on the issue of jurisdiction raised by KIUC, and KIUC shall file no later than January 9, 2012 a reply memorandum.

By the Commission



ATTEST:


Executive Director

Case No. 2011-00036

Mark A Bailey
President CEO
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024

Sanford Novick
President and CEO
Kenergy Corp.
P. O. Box 18
Henderson, KY 42419

Douglas L Beresford
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DISTRICT OF COLUMBIA 20004

Melissa D Yates
Attorney
Denton & Keuler, LLP
555 Jefferson Street
P. O. Box 929
Paducah, KENTUCKY 42002-0929

David Brown
Stites & Harbison, PLLC
1800 Providian Center
400 West Market Street
Louisville, KENTUCKY 40202

Albert Yockey
Vice President Government Relations
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024

J. Christopher Hopgood
Dorsey, King, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

Mr. Dennis Howard
Assistant Attorney General
1024 Capital Center Drive
Frankfort, KENTUCKY 40601

Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

Honorable James M Miller
Attorney at Law
Sullivan, Mountjoy, Stainback & Miller, PSC
100 St. Ann Street
P.O. Box 727
Owensboro, KENTUCKY 42302-0727